

**Notice of Allowability**

Application No.

09/456,647

Examiner

Romain Jeanty

Applicant(s)

HOWARD ET AL.

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/28/04.
2. ☒ The allowed claim(s) is/are 7 and 24-26.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Romain Jeanty*  
Primary Examiner  
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**Note**

1. Based on the Board Decision, claim 8 has been affirmed and claim 26 has been reversed. However, since claim 26 depends on independent claim 8, claim 8 has been incorporated into claim 26. An examiner's amendment is found below which canceled claim 8 and incorporated its limitation in claim 26.

**EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

**In the Claim:**

<sup>4</sup>  
**Substitute claim 26** A method for customizing advertising in an electronic publication, comprising:

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creating an electronic publication which includes a plurality of content items and at least one advertising item; permitting a user to access the electronic publication and presenting the advertising item to the user of the electronic publication in response to the access of a specific content item--.

Claim 8 has been ~~canceled~~.

**Allowable Subject Matter**

3. Claims 7, and 24-26 are allowable

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### **Reasons for Allowance**

3. The following is an Examiner's statement of reasons for allowance:

The closest prior art is to Reilly et al (U.S. Patent No. 5,740,549). Reilly et al fail to teach or suggest presenting the advertising item to the user of the electronic publication after passage of a predetermined amount of time during which the electronic publication has been in use as recited in independent claim 7.

In addition, Reilly et al fail to teach presenting the advertising item to the user in response to the access by the user of a predetermined part of the specific content item as recited in independent claim 26

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Krishna et al (U.S. Patent No. 6,012,071) disclose servers to store electronic publications and browsers, executing on clients and communicating with the servers over the networks, to view the electronic publications.

b. Murphy (Wo9319427) discloses a system providing advertisement information to users.

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b. The Wall Street Journal, discloses "Journal Introduces Interactive Edition", "Personal Computer and Web Browser Provide Access to Interactive Edition", from.

Any inquiry concerning this communication or earlier communications from the examiner should be directed Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm. If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner for Patents


P.O. Box 1450, Alexandria, VA 22313-1450

or faxed to: (703) 305-7687

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington VA, Seventh floor receptionist.

RJ

September 28, 2004

  
ROMAIN JEANTY  
PRIMARY EXAMINER  
Art Unit 3623

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